

The Amendments at page 13 are being made to provide language in the Specification corresponding to claims 33 and 34, which provide support for this insertion.

The application as submitted included claims 1-36. Claim 36 had been rejected under 35 USC 102(e) as being anticipated by Slye et al. U.S. patent 5,261,820 (the '820 patent). Claims 1-18 and 20-35 had been rejected under 35 USC 102(e) as being anticipated by Barber U.S. patent 5,245,537 (the '537 patent). Claim 19 had been indicated as allowable if presented in independent form, with the Examiner noting that Barber failed to suggest to one with ordinary skill in the art to use a satellite system in the locator means.

Claim 19 is herewith being presented in independent form and is, in accordance with the Examiner's notation of allowable subject matter, believed to be in condition for allowance.

The remaining originally filed claims in the case have all been amended to more definitively present applicant's patentable subject matter. Further additional claims 37-54 are now being presented to provide applicant with coverage commensurate with the scope of his contribution. In particular dependent claim 37, the newly presented independent claims 38, 44⁹, 53 and dependent claims 39-48 and 50-52 all include limitations associated with the utilization of the earth orbiting satellite for automatically determining current location on a golf course. Claim 54 recites that the locator means operates in conjunction with a signal means external to the fairway of the hole being played. As discussed below, this is to be contrasted to the '537 patent's use of a visible reference point at each of the holes.

In response to the 35 USC 102 rejection, consideration will first be directed to the '537 patent, which was the basis for the 35 USC 102(e) rejection of claims 1-18 and 20-35. In view of the significant differences between a system described therein, and applicant's disclosure and claims, it is believed that a brief review of some of these salient distinctions will be of assistance to the Examiner.

The '537 patent requires an orientation reference point at each hole, which is typically a **visible** mark such as a tree or a rock (column 3, lines 63-66). In operation, the player upon the initial play at each of the holes must first manually orient a hand held device by pointing it in the direction of this visible orientation point. This is typically shown as 28 in figure 2, with the requisite operation described at column lines 50-53. That is, there is **no automatic location** of the golf computer along the golf course, as the player proceeds from hole to hole. In utilizing the system shown in the '537 while playing eighteen holes of golf, the user would have to **manually** orient the device eighteen times to eighteen different visible reference points, at each of the eighteen holes, in order to initiate operation of the '537 position locator as the user proceeds along the individual hole.

After this initial orientation, the movement of the player is determined by an accelerometer which is used to measure displacement along the individual hole (again referenced to the individual one of the eighteen reference points positioned within the golf course). In contradistinction to the '537 patent's substantial reliance on manual referencing, and initial setup at each of the eighteen holes, applicant's position sensing means automatically and accurately locates the portable golf computer within the golf course. Applicant's preferred embodiment utilizes at least one earth orbiting satellite of the global positioning system (GPS) as discussed in detail at pages 31-35 of applicant's Specification.

The Examiner has acknowledge the novelty of the use of such a satellite system in indicating the allowability of claim 19. Claims 37-53 all of which similarly differentiate from the '537 patent, are being presented herewith to provide applicant with varying breath of protection commensurate with the scope of his invention.

Another distinguishing feature relates to the limited amount of information provided to the player by the display of the '537 patent. That system can either show a) the entire fairway, or b) the green, (figures 6 and 7, column 5, lines 21-40, and column 7 line 52 - column 8, line 12). Applicant advantageously provides multiple selectable views of each hole, including the entirety of the hole, the approach to a green associated with the hole, and the green. These

three views of a typical hole are shown in applicant's figures 4a, 4b and 4c. By having at least three discrete display views the golfer can more easily visualize only those obstacles ahead of him en route to the hole. That is, once the golfer has progressed along a particular hole to a point where a hazard is behind the golfer, the golfer need not have detailed information about that hazard. Accordingly, applicant maximizes the benefit of the display by concentrating at any given instant on that information which would be of immediate assistance to the golfer in directing his ball towards the cup.

Consideration will now be directed to the text of claims 1-18 and 20-35, all of which had been rejected under 35 USC 102(e) as anticipated by the '537 patent.

Claims 1-17 are all dependent on independent claim 1, Claims 20-24 are all dependent on independent claim 18. Claims 1 and 18 have been appropriately amended to more definitively set forth applicant's novel subject matter.

Claims 26-34 are all dependent on claim 25, which is believed to provide patentable subject matter with respect to the '537 patent.

Referring to claim 1, it is to be noted that as contrasted to the '537 display of either a) the entire fairway or b) the green, the data stored in the recited memory means includes "data representative of three different views for each hole". Further, as contrasted to the substantial reliance on manual orientation at each of the eighteen holes as is required for the '537 system, applicant's locator means has been amended for **automatically determining** the current location of the portable computer on the golf course. Additionally, the operation of the processor means to display a selected view of the particular hole is now recited as "determined by its current location on the golf course". Applicant has also made some formal amendments to the last two paragraphs of claim 1 to improve the antecedent presentation of the "processor means".

It is respectfully submitted that independent claim 1 clearly distinguishes over the teachings of the '537 patent.

It is to be further noted that several of the additional limitations recited in claims dependent in claim 1 are not disclosed in the '537 patent. These include:

The "cursor pointing device" of claim 4.

The "means for inputting betting data" of claim 6.

The "means for inputting wind speed or direction" of claim 7.

The "means for inputting ambient in temperature" of claim 8.

The "means for displaying updated betting totals" of claim 11.

The "means for displaying commercial messages" of claim 12.

The "means for displaying a projected trajectory of a golf ball" of claim 14.

Providing a removable memory card for "scoring and betting data" of claim 16.

Accordingly, it is submitted that claims 1-17 are in condition for allowance.

Claim 18 has been amended to further define applicant's "position sensing means" as **automatically** sensing the location of the portable golf computer on the golf course. The '537 patent's substantial reliance on manually positioning at each of the eighteen holes does not provide such automatic sensing.

Dependent claim 20 requires that the position sensing means receives a signal from at least one transmitter positioned on the golf course. This alternative embodiment of applicant's system is to be contrasted to the '537 patent's requirement of providing a visual link with a separate orientation reference point at each of the eighteen holes (such as 28 as shown in figure 2). Orientation reference point 28 is not "a transmitter".

Dependent claim 21 includes other details of a transmitter operative in conjunction with the system of claim 18. Dependent claim 22 includes still another feature which, in addition to determining the location of the portable golf computer, determines the location of the golfer relative to the location of the computer, so as to more definitively fix the golfer's location on the golf course.

It is believed that claims 18 and 20-24 define patentable subject matter.

Independent claim 25 is directed to the inclusion and processing of betting data within the portable golf computer. The '537 system does not include this feature. Dependent claims 26-35 include further details of this aspect of the system, including the memory means and the manner in which data is transferable to a remote site.

It is therefore respectfully submitted that presently prosecuted claims 1-18 and 20-35, clearly distinguish over the cited '537 patent.

Claim 36 had been rejected as anticipated by the '820 patent. The '820 patent refers to a computer simulated video game. There is no interrelationship between that game's performance and the actual conditions experienced by a golfer on a golf course. Claim 36 has been appropriately amended to more definitively set forth this distinction. More specifically, the portable golf computer which is **used on a golf course** for recording information of **an individual player's actual performance** operates in conjunction to the replay, which is responsive to this recorded information for interactively reenacting the game. This reenaction of the game "includes means for using an alternate club for at least one stroke and determining the potential effect of such change on the previously played actual performance on the golf course". Hence the player may analyze his previously performed game, taking hypothetical shots to experiment with alternate approaches to the actual game situation. Based on these alternative results, the player may improve the strategic approach to a given course, so as to optimize a player's subsequent performance on the golf course. The '820 patent does not teach nor suggest such interactive use of a portable golf computer.

Applicant has also reviewed the prior art made of record, but not relied upon by the Examiner.

It is respectfully submitted that all of the presently prosecuted claims 1-54 patentably distinguish over all of the art of record, whether considered alone or in combination and their

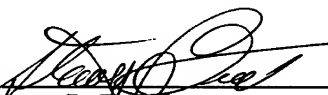
allowance is requested.

Applicant also notes the Draftperson's review (PTO-948) and requests that compliance therewith be held in abeyance pending the receipt of a Notice of Allowance.

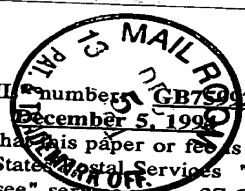
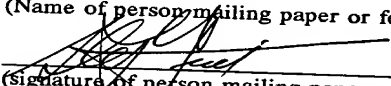
The present application contains 54 claims, of which 9 are independent. The case as filed included 36 claims, of which 4 were independent. Accordingly, applicant is submitting an additional fee of \$388.00. However, as noted in the letter accompanying the transmission of the application to the U.S. Patent and Trademark Office, any excess fees or other expenses incurred at any time during the prosecution of this application may, without specific authorization, be debited to our deposit account no. 01-0035.

Respectfully submitted,

December 5, 1994

By: 
Stewart J. Fried
Registration 20,694

Abelman Frayne, & Schwab
708 Third Avenue
New York, New York 10017


"EXPRESS MAIL" number GB7592740X US
Date of Deposit: December 5, 1994
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STEWART J. FRIED
(Name of person mailing paper or fee)

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